

REMARKS

In the Office Action, the Examiner issued a final rejection of Claims 1-7 and 9-20 under 35 U.S.C. 103 as being unpatentable over the prior art. Specifically, Claims 1-6 and 9-20 were rejected as being unpatentable over U.S. Patent 5,777,773 (Epworth, t al.); and Claim 7 was rejected as being unpatentable over Epworth in view of U.S. Patent 6,674,558 (Chang, et al.).

Claims 1 and 19 were further rejected under the doctrine of obviousness type double patenting over each of U.S. Patents 6,738,187, 6,751,014 and 6,597,840. In addition, Claim 5 was rejected under 35 U.S.C. 112 as being indefinite, and the Examiner noted a minor informality in Claim 8.

Claim 8, it may be noted, was not rejected.


In order to expedite an allowance of this application, Claim 8 is being amended, as the Examiner suggested, to correct the informality in the claim, and all of the other claims – that is, Claims 1-7 and 9-20 – are being cancelled. Applicants expressly reserve the right to file a continuation application to prosecute the subject matte of Claims 1-7 and 9-20.

With respect to Claim 8, more specifically, in line 10 of the claim, “value,” is being deleted. It is believed that this overcomes the Examiner’s objection to Claim 8, and that the claim is now in condition for allowance without further amendment or argument. The Examiner is, thus asked to reconsider and to withdraw the objection to Claim 8, and to allow this claim.

The change asked for in Claim 8 does not raise any new issues and does not require any further searching by the Examiner. Moreover, this Amendment places the application in condition for allowance. Accordingly, it is believed that entry of this Amendment is appropriate, and such entry is respectfully requested..

Every effort has been made to place this application in condition for allowance. For the reasons set forth above, the Examiner is asked to enter this Amendment, to reconsider and to withdraw the objection to Claim 8, and to allow this claim. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


John S. Sensny
Registration No. 28,757
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

JSS:jy